

REMARKS / ARGUMENTS

I. General Remarks and Remarks Regarding the Restriction Requirement

Please consider the application in view of the following remarks.

During a telephone conversation with the Examiner on May 4, 2005, claims 1-38 were provisionally elected in response to the Examiner's restriction requirement. This provisional election is hereby confirmed and claims 39-72 have been cancelled. No amendment to inventorship is necessitated by this election. Applicants respectfully reserve the right to present the cancelled claims in one or more divisional applications.

II. Disposition of Claims

Claims 1-38 and 73-107 are pending in this application.

Claims 1, 2, 5, 7, 8, 11, 12, 16-18, 20, 21, 23, 25, 26, 28-31, 33, and 35 have been amended to more clearly claim the present invention. These amendments add no new matter to the application, and are supported by the specification as filed.

Claims 73-107 are new. These new claims add no new matter to the application, and are supported by the specification as filed.

Claims 14 and 32 stand rejected under 35 U.S.C. § 112. Claims 1, 2, 7-9, 12, 14, 16, 17-21, 25-27, 30, 32, 34 and 35 stand rejected under 35 U.S.C. § 102(a). Claims 1-5, 7, 8, 14, 15, 17, 19-23, 25, 26, 32, 33, and 35 stand rejected under 35 U.S.C. § 102(b). Claims 3, 9, 12, 13, 15, 27, 30, 31, 33, and 36-38 stand rejected under 35 U.S.C. § 103(a). The Examiner has objected to claims 6, 10, 11, 16, 24, 28, 29, and 34.

III. Rejections of Claims Under § 112

Claims 14 and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse.

With respect to this rejection, the Examiner writes that "[c]laims 14 and 32 are deemed indefinite with respect to the recitation of 'a desirable number of voids' [since] the term 'desirable' is subjective or non-specific." (*See* Office Action at ¶ 8.) Applicants respectfully submit that this term is sufficiently definite to comply with 35 U.S.C. § 112. "The fact that claim language . . . may not be precise, does not automatically render the claim indefinite under 35 U.S.C. § 112, second paragraph. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." *See*

MANUAL OF PATENT EXAMINING PROCEDURE § 2173.05(b) (citations omitted). For example, a limitation such as “an effective amount” has been held to be sufficiently definite when read in light of the supporting disclosure and in the absence of any prior art which would give rise to uncertainty about the scope of the claim. See MANUAL OF PATENT EXAMINING PROCEDURE § 2173.05(c) (citing *Ex parte Skuballa*, 12 U.S.P.Q.2d 1570 (Bd. Pat. App. & Inter. 1989)). Here, Applicants are aware of no prior art that would create any uncertainty as to the scope of the subject claims. Rather, one of ordinary skill in the art readily would ascertain, in light of Applicants’ disclosure, that “a desirable number of voids” (as recited in claims 14 and 32) is a number of voids effective to accomplish the objectives of that particular use from among those described in the specification or known in the art. Accordingly, Applicants respectfully assert that the use of the term “desirable” in the subject claims satisfies the requirements of 35 U.S.C. § 112, second paragraph, and respectfully request the withdrawal of these rejections.

IV. Rejections of Claims Over *Cooke I*

A. Rejections of Claims Over *Cooke I* Under § 102(a)

Claims 1, 2, 7-9, 12, 14, 16-21, 25-27, 30, 32, 34, and 35 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2003/0060374 by Cooke, Jr. (“*Cooke I*”). With respect to this rejection, the Examiner writes:

[*Cooke I*] (note Figure 2c) may employ a proppant composition in the fracturing process comprising a mixture or composite of proppant particulates and a degradable polymer, as called for in independent claims 1 and 20.

[*Cooke I*] further discloses one or more of the degradable polymers set forth in claims 8, 12, 18, 26 and 30 and may further use a plasticizer, as called for in claims 9 and 27.

As per claim 14 and 32 it appears from the illustration in Figure 2c that a “desirable” number of voids will be present [upon] degradation and removal of the degradable polymer phase.

As per claim 16 and 34, note that the proppant composition of Figure 2c of [*Cooke I*], and thus the degradable polymer component, appear to have a “rod-like” shape, as recited.

As per claim 35, it is deemed that the resulting void space(s) created by the degradation of the degradable polymer will necessarily be “channel-like” in shape, e.g., due to the accompanying or resulting fluid-flow through the proppant matrix.

(See Office Action at ¶ 10 (emphasis added).) Applicants respectfully disagree.

In order to form a basis for a rejection under 35 U.S.C. § 102(a), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). Applicants respectfully submit that *Cooke I* does not disclose each element as set forth in the rejected claims, as amended herein, since (1) *Cooke I* does not disclose degradable materials that comprise one or more poly(orthoesters) as recited in claims 1 and 20, as amended herein, and (2) *Cooke I* does not disclose degradable materials that are composites, as recited in claim 19. Therefore, those claims, and all claims dependent thereon, are allowable over *Cooke I*.

1. Rejections of Claims 1, 2, 7-9, 12, 14, 16, 17-21, 25-27, 30, 32, 34, and 35

Applicants respectfully submit that *Cooke I* does not anticipate claims 1, 2, 7-9, 12, 14, 16-21, 25-27, 30, 32, 34, and 35 since *Cooke I* does not disclose degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Although *Cooke I* does teach degradable materials that comprise “polyesters” (see *Cooke I* at ¶ 0023) for use in some contexts, Applicants respectfully submit that *Cooke I* does not disclose or teach poly(orthoesters), either explicitly or inherently, since poly(orthoesters) are not polyesters. Rather, the term “orthoester” is a misnomer, and orthoesters are actually understood in the art to be ethers based on their chemical structure and in view of their lack of base-catalyzed hydrolysis. See, e.g., Anton Skrabal & Otto Ringer, “The Hydrolysis Rate of Orthoformic Acid Ethyl Ether,” CHEMICAL INSTITUTE OF THE UNIVERSITY OF GRAZ, at 1 (January 13, 1921) (“According to its behavior during hydrolysis, . . . this substance and presumably also the analog compounds with the chemical group -C(OR)₃, where R signifies an alkyl, would be designated properly as ethers and not as esters.”) (An English translation of this reference is enclosed for the Examiner’s convenience.) Therefore, the disclosure of polyesters in *Cooke I* does not disclose or teach (explicitly or inherently) the use of poly(orthoesters), which are generally understood to be ethers. Applicants therefore respectfully assert that *Cooke I* does not disclose all elements of claims 1 and 20, as amended herein, and thus these claims are allowable over *Cooke I*. Moreover, since “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers,” and since claims 2, 7-9, 12, 14, 16-19, 21, 25-27, 30, 32, 34, and 35 depend, directly or indirectly, from claim 1 or 20, these

dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicants respectfully request the withdrawal of these rejections.

2. Rejection of Claim 19

Applicants respectfully submit that *Cooke I* does not anticipate claim 19 since *Cooke I* does not disclose degradable materials that are composites. Although the Examiner asserts that *Cooke I* teaches “a mixture or composite of proppant particulates and a degradable polymer,” Applicants respectfully submit that *Cooke I* does not disclose or teach the use of a degradable material that is a composite, as that term is defined by Applicants in their disclosure. Applicants have explicitly defined the term “composite” to refer to a degradable material wherein “the degradable material [is] mixed with [an] inorganic or organic compound.” (*See* “Description of Preferred Embodiments” at ¶ 033.) *Cooke I* does not explicitly disclose a “composite” material, nor does it disclose any material that is formed according to the definition provided by Applicants. Applicants therefore respectfully assert that *Cooke I* does not disclose this element of claim 19, and thus this claim is allowable over *Cooke I*. Accordingly, Applicants respectfully request the withdrawal of this rejection.

B. Rejections of Claims Over *Cooke I* Under § 103(a)

Claims 3, 15, 33, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Cooke I*. With respect to this rejection, the Examiner writes that “[t]he size range of the proppant particles utilized in the methods of [*Cooke I*], as recited in claim 3,” the “resulting proppant matrix conductivity recited in claims 36-38,” and the “precise amount of degradable material present in the proppant composition utilized by [*Cooke I*], as called for in claims 15 and 33 . . . would have been an obvious matter of choice or design in carrying out the fracturing process of [*Cooke I*].” (*See* Office Action at ¶ 13.) To form a basis for a § 103(a) rejection, a prior art reference must teach or suggest each element in the claim. *MANUAL OF PATENT EXAMINING PROCEDURE* § 2142 (2004). However, as discussed in Section IV.A.1. above, *Cooke I* does not teach or suggest degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Since claims 3, 15, 33, and 36-38 depend, either directly or indirectly, on claim 1 or 20, they incorporate this limitation recited in claims 1 and 20, and thus *Cooke I* does not obviate dependent claims 3, 15, 33, and 36-38. Accordingly, Applicants respectfully request the withdrawal of these rejections.

V. Rejections of Claims Over *Betzold*

A. Rejections Over *Betzold* Under § 102(b)

Claims 1-5, 7, 8, 14, 15, 17, 19, 20, 22, 23, 25, 26, 32, 33, and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,328,105 to Betzold ("*Betzold*"). With respect to this rejection, the Examiner writes:

[*Betzold*] (note col. 2, lines 33-62; col. 3, line 42 - col. 4, line 15) discloses a process of fracturing and propping a subterranean formation(s) with a proppant composition or composite especially in view of the coating on the proppant particles, comprising a mixture of a coated, bondable propping particles and removable particles, wherein such removable particles may decompose or degrade within the formation fracture, as called for in independent claims 1 and 20.

As per claim 3, the average particle size range set forth in the EXAMPLE of 800-1000 microns would appear to fall within the mesh particle size range recited.

As per claims 4, 5, 22 [and] 23, the conventional coated particles or coating formulations referred to in [*Betzold*] (note col. 3, lines 17-41) would appear to encompass those recited.

[*Betzold*] further discloses one or more of the degradable polymers set forth in claims 8 [and] 26.

As per claim 14 and 32 it is deemed that in the operation of the [*Betzold*] fracturing process, a "desirable" number of voids will be inherently or necessarily present upon degradation and removal of the degradable polymer phase, in order to allow flowback and production of mineral fluids.

As per claims 15 and 33, the exemplary range set forth in [*Betzold*] (note col. 5, lines 7-17) of 10-30% falls within the recited range of "0.1% to about 30%."

As per claim 35, it is deemed that the resulting void space(s) created by the degradation of the degradable polymer in the process of [*Betzold*] will necessarily be "channel-like" in shape, e.g., due to the accompanying or resulting fluid-flow through the proppant matrix.

(See Office Action at ¶ 14 (emphasis added).) Applicants respectfully traverse.

In order to form a basis for a rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT

EXAMINING PROCEDURE § 2131 (2004). Applicants respectfully submit that *Betzold* does not disclose each element as set forth in the rejected claims, as amended herein, since (1) *Betzold* does not disclose degradable materials that comprise one or more poly(orthoesters) as recited in claims 1 and 20, as amended herein, and (2) *Betzold* does not disclose degradable materials that are composites, as recited in claim 19. Therefore, those claims, and all claims dependent thereon, are allowable over *Betzold*.

1. Rejections of Claims 1-5, 7, 8, 14, 15, 17, 19, 20, 22, 23, 25, 26, 32, 33, and 35

Applicants respectfully submit that *Betzold* does not anticipate claims 1-5, 7, 8, 14, 15, 17, 19, 20, 22, 23, 25, 26, 32, 33, and 35 since *Betzold* does not disclose degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Although *Betzold* does teach removable materials that may decompose or degrade that comprise “polyester polymers” (*see Betzold* at col. 3, ll. 50-53) for use in some contexts, Applicants respectfully submit that *Betzold* does not disclose or teach poly(orthoesters), either explicitly or inherently, since poly(orthoesters) are not polyesters. Rather, as discussed above, the term “orthoester” is a misnomer, and orthoesters are understood in the art to be ethers based on their chemical structure and in view of their lack of base-catalyzed hydrolysis. *See, e.g.,* Anton Skrabal & Otto Ringer, “The Hydrolysis Rate of Orthoformic Acid Ethyl Ether,” CHEMICAL INSTITUTE OF THE UNIVERSITY OF GRAZ, at 1 (January 13, 1921) (An English translation of this reference is enclosed for the Examiner’s convenience.) Therefore, the disclosure of polyesters in *Betzold* does not disclose or teach (explicitly or inherently) the use of poly(orthoesters), which are generally understood to be ethers. Applicants therefore respectfully assert that *Betzold* does not disclose all elements of claims 1 and 20, as amended herein, and thus these claims are allowable over *Betzold*. Moreover, since “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers,” and since claims 2-5, 7, 8, 14, 15, 17, 19, 22, 23, 25, 26, 32, 33, and 35 depend, directly or indirectly, from claim 1 or 20, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicants respectfully request the withdrawal of these rejections.

2. Rejection of Claim 19

Applicants respectfully submit that *Betzold* does not anticipate claim 19 since *Betzold* does not disclose degradable materials that are composites. Although the Examiner

asserts that *Betzold* teaches “a proppant composition or composite” (e.g., coated proppant particles), Applicants respectfully submit that *Betzold* does not disclose or teach the use of a degradable material that is a composite, as that term is defined by Applicants in their disclosure. Applicants have explicitly defined the term “composite” to refer to a degradable material wherein “the degradable material [is] mixed with [an] inorganic or organic compound.” (See “Description of Preferred Embodiments” at ¶ 033.) *Betzold* does not explicitly disclose a “composite” material, nor does it disclose any material that is formed according to the definition provided by Applicants. Applicants therefore respectfully assert that *Betzold* does not disclose this element of claim 19, and thus this claim is allowable over *Betzold*. Accordingly, Applicants respectfully request the withdrawal of this rejection.

B. Rejections Over *Betzold* Under § 103(a)

Claims 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Betzold*. With respect to this rejection, the Examiner writes that “[t]o provide resulting proppant matrix conductivity recited in claims 36-38 would have been an obvious matter of choice or design in carrying out the fracturing process of [*Betzold*].” (See Office Action at ¶ 15.) To form a basis for a § 103(a) rejection, a prior art reference must teach or suggest each element in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2142 (2004). However, as discussed in Section V.A.1. above, *Betzold* does not teach or suggest degradable materials that comprise one or more poly(orthoesters), as recited in claim 20, as amended herein. Since claims 36-38 depend, either directly or indirectly, on claim 20, they incorporate this limitation recited in claim 20, and thus *Betzold* does not obviate dependent claims 36-38. Accordingly, Applicants respectfully request the withdrawal of these rejections.

VI. Rejections of Claims Over *Betzold* in View of *Cooke I*

Claims 9, 12, 27, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Betzold* in view of *Cooke I*. With respect to claims 9 and 27, the Examiner writes that “it would have been obvious to one of ordinary skill in the art to which the invention pertains to employ a degradable polymer which further comprises a plasticizer and/or which has been plasticized in the proppant composition utilized in the fracturing and propping process of [*Betzold*], as taught by [*Cooke I*] (note para [0027]).” (See Office Action at ¶ 16.) With respect to claims 12 and 30, the Examiner writes that “it would have been obvious to one of ordinary skill in the art to which the invention pertains “to employ a poly(lactide) as the degradable

polymer in the proppant composition utilized in the fracturing and propping process of [*Betzold*], as taught by [*Cooke I*] (note para [0023]).” (See Office Action at ¶ 16.) To form a basis for a § 103(a) rejection, a combination of prior art references must teach or suggest each element in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2142 (2004). However, as discussed in Sections IV.A.1. and V.A.1. above, neither *Cooke I* nor *Betzold* teaches or suggests degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Since claims 9, 12, 27, and 30 depend, either directly or indirectly, on claim 1 or 20, they incorporate this limitation recited in claims 1 and 20, and thus the combination of *Cooke I* and *Betzold* does not obviate dependent claims 9, 12, 27, and 30. Accordingly, Applicants respectfully request the withdrawal of these rejections.

VII. Rejections of Claims Over *Betzold* in View of *Cooke I* and *Cooke II*

Claims 13 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Betzold* in view of *Cooke I* and U.S. Patent No. 4,068,718 to Cooke, Jr. *et al.* (“*Cooke II*”). With respect to this rejection, the Examiner writes that “it would have been obvious to one of ordinary skill in the art to which the invention pertains to employ a poly(lactide) as the degradable polymer in the proppant composition utilized in the fracturing and propping process of [*Betzold*], as taught by [*Cooke I*] (note para [0023]),” and “[i]t would also have been obvious to employ bauxite as the proppant particles in the process of [*Betzold*], as taught by [*Cooke II*] (note col. 2, lines 13-34).” (See Office Action at ¶ 17.) To form a basis for a § 103(a) rejection, a combination of prior art references must teach or suggest each element in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2142 (2004). However, as discussed in Sections IV.A.1. and V.A.1. above, neither *Cooke I* nor *Betzold* teaches or suggests degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Nor does *Cooke II* teach or suggest degradable materials that comprise that comprise one or more poly(orthoesters). Rather, *Cooke II* only discloses the use of proppant particulates composed of sintered bauxite, and does not discuss the use of degradable materials at all. (See *Cooke II* at col. 2, ll. 16-22.) Since claims 13 and 31 depend, either directly or indirectly, on claim 1 or 20, they incorporate this limitation recited in claims 1 and 20, and thus the combination of *Betzold*, *Cooke I*, and *Cooke II* does not obviate dependent claims 13 and 31. Accordingly, Applicants respectfully request the withdrawal of these rejections.

VIII. Rejections of Claims over *Atkins*

A. Rejections Over *Atkins* Under § 102(b)

Claims 1, 3, 7, 14, 17, 19, 20, 21, 25, 32, and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,364,995 to Atkins *et al.* ("*Atkins*"). With respect to this rejection, the Examiner writes:

[*Atkins*] (note col. 4, line 64 - col. 5, line 2) discloses a process of fracturing and propping a subterranean formation(s) employing a proppant composition in the fracturing fluid which comprises a mixture or composite of proppant particulate and a degradable material, such as a solid spacer material which chemically decomposes in the fracture(s), as called for in independent claims 1 and 20.

As per claim 3, the recited range of 10-60 mesh falls within or is encompassed by the proppant size range in [*Atkins*] (note col. 2, lines 33-57) of 4-80 mesh.

As per claims 7 and 25, [*Atkins*] may employ either a degradable polymer, i.e., a polysulfone and a dehydrated salt, such as a carbonate as the degradable component in the proppant mixture.

As per claims 14 and 32, it is deemed that in the operation of the [*Atkins*] fracturing process, a "desirable" number of voids will be inherently or necessarily present upon degradation and removal of the degradable polymer phase, in order to allow flowback and production of mineral fluids.

As per claim 35, it is deemed that the resulting void space(s) created by the degradation of the degradable polymer in the process of [*Atkins*] will necessarily be "channel-like" in shape, e.g., due to the accompanying or resulting fluid-flow through the proppant matrix.

(See Office Action at ¶ 18 (emphasis added).) Applicants respectfully traverse.

In order to form a basis for a rejection under 35 U.S.C. § 102(b), a prior art reference must disclose each and every element as set forth in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2131 (2004). Applicants respectfully submit that *Atkins* does not disclose each element as set forth in the rejected claims, as amended herein, since (1) *Atkins* does not disclose degradable materials that comprise one or more poly(orthoesters) as recited in claims 1 and 20, as amended herein, and (2) *Atkins* does not disclose degradable materials that

are composites, as recited in claim 19. Therefore, those claims, and all claims dependent thereon, are allowable over *Atkins*.

1. Rejections of Claims 1, 3, 7, 14, 17, 19, 20, 21, 25, 32, and 35

Applicants respectfully submit that *Atkins* does not anticipate claims 1, 3, 7, 14, 17, 19, 20, 21, 25, 32, and 35 since *Atkins* does not disclose degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Rather, *Atkins* only teaches the use of spacer materials that comprise carbonates, polysulfones, carbides, or ammonium salts with a water soluble hydroxide. (See *Atkins* at col. 2, ll. 58-65.) Applicants therefore respectfully assert that *Atkins* does not disclose all elements of claims 1 and 20, as amended herein, and thus these claims are allowable over *Atkins*. Moreover, since “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers,” and since claims 3, 7, 14, 17, 19, 21, 25, 32, and 35 depend, directly or indirectly, from claim 1 or 20, these dependent claims are allowable for at least the same reasons. See 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicants respectfully request the withdrawal of these rejections.

2. Rejection of Claim 19

Applicants respectfully submit that *Atkins* does not anticipate claim 19 since *Atkins* does not disclose degradable materials that are composites. Although the Examiner asserts that *Atkins* teaches “a mixture or composite of proppant particulates and a degradable material,” Applicants respectfully submit that *Atkins* does not disclose or teach the use of a degradable material that is a composite, as that term is defined by Applicants in their disclosure. Applicants have explicitly defined the term “composite” to refer to a degradable material wherein “the degradable material [is] mixed with [an] inorganic or organic compound.” (See “Description of Preferred Embodiments” at ¶ 033.) *Atkins* does not explicitly disclose a “composite” material, nor does it disclose any material that is formed according to the definition provided by Applicants. Applicants therefore respectfully assert that *Atkins* does not disclose this element of claim 19, and thus this claim is allowable over *Atkins*. Accordingly, Applicants respectfully request the withdrawal of this rejection.

B. Rejections Over *Atkins* Under § 103(a)

Claims 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Atkins*. With respect to this rejection, the Examiner writes that “[t]o provide resulting proppant

matrix conductivity recited in claims 36-38 would have been an obvious matter of choice or design in carrying out the fracturing process of [*Atkins*].” (See Office Action at ¶ 15.) To form a basis for a § 103(a) rejection, a prior art reference must teach or suggest each element in the claim. MANUAL OF PATENT EXAMINING PROCEDURE § 2142 (2004). However, as discussed in Section VIII.A.1. above, *Atkins* does not teach or suggest degradable materials that comprise one or more poly(orthoesters), as recited in claims 1 and 20, as amended herein. Since claims 36-38 depend, either directly or indirectly, on claim 20, they incorporate this limitation recited in claim 20, and thus *Atkins* does not obviate dependent claims 36-38. Accordingly, Applicants respectfully request the withdrawal of these rejections.

IX. Objections to Claims

The Examiner has objected to claims 6, 10, 11, 16, 24, 28, 29, and 34 as being dependent upon a rejected base claim, but notes that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6, 10, 11, 16, 24, 28, 29, and 34 each depend, either directly or indirectly, from independent claim 1 or 20. As Applicants have asserted herein that these independent claims, as amended, are allowable over the prior art of record, the withdrawal of the objections to dependent claims 6, 10, 11, 16, 24, 28, 29, and 34 is respectfully requested.

**SUMMARY AND PETITION FOR EXTENSION OF TIME OF ONE MONTH
TO FILE THIS RESPONSE**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants hereby petition under the provisions of 37 C.F.R. §1.136(a) for a one-month extension of time to file this Response. The Commissioner is hereby authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 in the amount of \$120.00 for the corresponding fee under 37 C.F.R. §1.136(a). Applicants believe that there are no additional fees due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,



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